Alkaline protease, process for production thereof, using method thereof and microorganism producing same

Publication number: CN1201489

Publication date:

1998-12-09

Inventor:

YOSHIAKI MIYOTA (DK); SHIRO FUKUYAMA (DK);

TADASHI YONE (DK)

Applicant:

NOVONORDISK AS (DK)

Classification:

- international:

C11D3/386; C12N1/20; C12N9/54; C12P21/06;

C12R1/07; C11D3/38; C12N1/20; C12N9/52;

C12P21/06; (IPC1-7): C12N9/54; C12N15/00

European:

C11D3/386; C11D3/386A; C11D3/386B; C12N9/54;

C12R1/07

Application number: CN19961098013 19961101 Priority number(s): JP19950308493 19951102

Also published as:

図 EP0859050 (A1)
図 WO9716541 (A1)
図 US5981255 (A1)
図 JP9121857 (A)
図 EP0859050 (A4)

more >>

Report a data error here

Abstract not available for CN1201489
Abstract of corresponding document: **US5981255**

PCT No. PCT/JP96/03216 Sec. 371 Date Mar. 25, 1998 Sec. 102(e) Date Mar. 25, 1998 PCT Filed Nov. 1, 1996 PCT Pub. No. WO97/16541 PCT Pub. Date May 9, 1997The present invention provides a protease obtained from Bacillus, which is enzymatically active at alkaline pH and high temperature in the presence of surfactants. In a preferred embodiment, the protease is isolated from Bacillus sp. SD 114 and has a molecular weight of about 29,000 and a pl of about 10.

Data supplied from the esp@cenet database - Worldwide



中华人民共和国国家知识产权局

100032 发文日 北京市西城区金融街 27 号投资广场 B 座 19 层 中国专利代理(香港)有限公司 郭文洁,王景朝 申请号: 2003801075772 申请人:明治制果株式会社 发明名称:分解难分解性蛋白质的方法 第一次审查意见通知书 (进入国家阶段的 PCT 申请) 1. ②应申请人提出的实审请求,根据专利法第35条第1款的规定,国家知识产权局对上述发明专利申请 进行实质审查。 □根据专利法第 35 条第 2 款的规定,国家知识产权局专利局决定自行对上述发明专利申请进行审查。 2. 口申请人要求以其在: 2002年 10月 24日为优先权日, 专利局的申请日 JP? 专利局的申请日 年 月 日为优先权日, 2 8 AUG 2007 专利局的申请日 年 月 日为优先权日。 年 月 日和 年 月 日以及 3. □申请人于 年 月 日提交了修改文件。 经审查,申请人于 年 月 日提交的 不符合专利法实施细则第 51 条第 1 款的规定。 4. 口审查是针对原始提交的国际申请的中文译文进行的。 □审查是针对下述申请文件进行的: □说明书 第 页,按照进入中国国家阶段时提交的国际申请文件的中文文本: 第 页,按照专利性国际初步报告附件的中文文本: 第 页,按照依据专利合作条约第28条或41条规定所提交的修改文件: 第 页,按照依据专利法实施细则第51条第1款规定所提交的修改文件: 第 年 月 日所提交的修改文件。 页,按照 □ 权利要求 第 项,按照进入中国国家阶段时提交的国际申请文件的中文文本; 项,按照依据专利合作条约第19条规定所提交的修改文件的中文文本: 第 第 项,按照专利性国际初步报告附件的中文文本。 第 项,按照依据专利合作条约第28条或41条规定底量及的修改 第 项,按照依据专利法实施细则第51条第1意想的所提及的修改文 第 年 月 日所提交的修改文件 项,按照 页,按照进入中国国家阶段时提交的国际申请文件的中文 □附图 页,按照专利性国际初步报告附件的中文文本, 2016 第 页,按照依据专利合作条约第28条或41条规定所是文件。 第 页,按照依据专利法实施细则第51条第1款规定所提交的修改文件。 第 第 页,按照 年 月 日所提交的修改文件。

21302 2008. 7

	-	
· ·		
□本通知书引用下述对比文件(其编号在今后的审查过	[程中继续沿用]),
	(或抵触申请的)	
		T M H J
L CN 1.20 1.489 A 1.998 年 1.2 月	•	
2 US6613505B2 2003年9月	2 日	
5. 审查的结论性意见:		
②关于说明书。		
□申请的内容属于专利法第5条规定的不授予专利权的范	围。	
辽 说明书不符合专利法第 26 条第 3 款的规定。		
□说明书不符合专利法第 33 条的规定。		
□说明书的撰写不符合专利法实施细则第 18 条的规定。		·
区关于权利要求书:	heren but	
Z 权利要求1-3、5-8不具备专利法第22条第2款规定的新		
Z 权利要求 9-12 不具备专利法第 22 条第 3 款规定的包		
型权利要求 不具备专利法第 22 条第 4 款规定的实		
展于专利法第 25 条规定的小授予专利]权的范围。	
□权利要求 不符合专利法第 26 条第 4 款的规定。		
□ 权利要求 不符合专利法第 31 条第 L 款的规定。		
□权利要求 不符合专利法第 33 条的规定。	8.8 June 5	
□权利要求 不符合专利法实施细则第 2 条第 1 款		
□权利要求 不符合专利法实施细则第 13 条第 1 总		
□权利要求不符合专利法实施细则第 20 条的规定		
□权利要求 不符合专利法实施细则第 21 条的规定		
□权利要求 不符合专利法实施细则第 22 条的规定		
□权利要求 不符合专利法实施细则第 23 条的规定		
✓ 权利要求 1-12 不符合专利法第 29 条的规定。		
□分案的申请不符合专利法实施细则第 43 条第 1 款的规定	Ē.	•
上述结论性意见的具体分析见本通知书的正文部分。		
6. 基于上述结论性意见,审查员认为:		
□申请人应按照通知书正文部分提出的要求,对申请文件进	行修改。	•
□申请人应在意见陈述书中论述其专利申请可以被授予专利		的出路中分部文式牛政斯拉
不符合规定之处进行修改,否则将不能授予专利权。		
☑专利申请中没有可以被授予专利权的实质性内容,如果F	申请人没有陈述	理由或者陈述理由不充分。
其申请将被驳回。		
7. 申请人应注意下述事项:		
(1)根据专利法第37条的规定,申请人应在收到本通知书之日;	起的肆个月内防	述意见。如果申请人无正当
理由逾期不答复,其申请将被视为撤回。	CH4 <u>-1</u> 1 741 114	
(2)申请人对其申请的修改应符合专利法第 33 条的规定,修改、	文本应一式两份	,其格式应符合审查指面的
有关规定。		
(3)申请人的意见陈述书和/或修改文本应邮寄或递交国家知i	识产权局专利局	受理处,凡未邮寄或递交给
受理处的文件不具备法律效力。		
(4)未经预约,申请人和/或代理人不得前来国家知识产权局专	利局与审查员构	5行会晤。
8.本通知书正文部分共有 5 页,并附有下述附件:		
and the second s		
审查员, 王琦(9688)	审查部门	审查协作中心
2007年2月28日		

第一次审查意见通知书正文

申请号: 2003801075772

经审查, 现提出以下审查意见:

- 一、权利要求1-3、5-8不具备专利法第二十二条第二款规定的新颖性。
- 1、权利要求1要求保护一种难分解性蛋白质分解剂。对比文件1(CN1201489A)公开了一种去污剂(相当于本申请所述的难分解性蛋白质分解剂),其中包含碱性蛋白酶(参见对比文件1权利要求10),具体公开了该蛋白酶在pH 10时,以酪蛋白为底物反应10分钟时的最佳温度大约为60℃,通过SDS-聚丙烯酰胺凝焦电泳测得的分子量为29,000±2,000(即公开了分子量为31,000),通过等电聚焦聚丙烯酰胺凝胶电泳测得的等电点为10.1±0.5,即公开了等电点为9.6(参见对比文件1权利要求2)。

虽然,权利要求1所述的酶等电点为9.3与对比文件1公开的蛋白酶等电点9.6稍有不同,但本领域技术人员公知通过聚丙烯酰胺凝胶电泳的条带对等电点进行判断存在一定的误差,因此,仅依据权利要求1所述酶的等电点与对比文件1公开的蛋白酶等电点的不同不能确定权利要求1所述的酶与对比文件1公开的蛋白酶的区别。由此可见,权利要求1所限定的技术方案与对比文件1公开的技术方案实质上相同,所属技术领域的技术人员根据两者的技术方案可以确定两者能够适用于相同的技术领域,解决相同的技术问题,并具有相同的预期效果。因此,权利要求1不具备专利法第二十二条第二款规定的新颖性。

- 2、权利要求2是权利要求1的从属权利要求,其附加技术特征进一步限定了所述 酶具有难分解性蛋白质的分解活性表现为2单位/g或以上的特性(以角蛋白天青分解 活性为指标)。即使是同一种酶,在不同的温度、pH值以及底物的情况下酶的活性也 有所不同。因此,进一步对酶活性的限定仍然不能确定权利要求2所述的酶具有区别 于对比文件1公开的蛋白酶的结构。因此,在权利要求1不具备新颖性的基础上,权利 要求2也不具备专利法第二十二条第二款规定的新颖性。
- 3、权利要求3是权利要求1或2的从属权利要求,其附加技术特征具体限定了所述 酶来自芽孢杆菌属微生物。对比文件1公开了该碱性蛋白酶是由属于芽孢杆菌属的微 生物产生的碱性蛋白酶(参见对比文件1权利要求3)。因此,在权利要求1和2不具备 新颗性的基础上,权利要求3也不具备专利法第二十二条第二款规定的新颖性。
 - 4、权利要求5是权利要求1-4任一项的从属权利要求。由于分解难分解性蛋白质

(包括病原性朊病毒蛋白)是权利要求1-3所述的酶本身所固有的特性决定的,而将1-3所述的酶用于何种蛋白的分解并没有使该酶在结构上发生改变。因此,在权利要求1-3不具备新颖性的基础上,权利要求5也不具备专利法第二十二条第二款规定的新颖性。

- 5、权利要求6要求保护分解难分解性蛋白质的方法。由于权利要求6所引用的权利要求1-3、5所述的酶不具备新颖性,而对比文件1还公开了将适当稀释的酶溶液加入到缓冲液中,温育,将汉马斯坦氏酪蛋白溶液加入到此溶液中(参见对比文件第6页第21-23行),即公开了酶与难分解性蛋白质接触的步骤。权利要求6所限定的技术方案与对比文件1公开的技术方案实质上相同,所属技术领域的技术人员根据两者的技术方案可以确定两者能够适用于相同的技术领域,解决相同的技术问题,并具有相同的预期效果,因此,权利要求6不具备专利法第二十二条第二款规定的新颖性。
- 6、权利要求7要求保护权利要求1-5任一项的酶在制备难分解性蛋白质分解剂中的用途。由于权利要求7所引用的权利要求1-3、5所述的酶不具备新颖性,而对比文件1公开了包括碱性蛋白酶的去污剂(对比文件1权利要求10),即公开了碱性蛋白酶在制备去污剂中的用途。因此,权利要求7所限定的技术方案与对比文件1公开的技术方案实质上相同,权利要求7不具备专利法第二十二条第二款规定的新颖性。
- 7、权利要求8要求保护针对有被病原性朊病毒蛋白污染的可能性的处理对象物的病原性朊病毒蛋白解毒剂。由于权利要求1-3、5所述的难分解性蛋白质分解剂不具备新颖性,而分解病原性朊病毒蛋白是权利要求1-3、5所述的分解剂本身所固有的特性决定的,因此,在权利要求1-3、5不具备新颖性的基础上,权利要求8也不具备专利法第二十二条第二款规定的新颖性。
- 二、本申请说明书未对权利要求4所述的技术方案做出清楚、完整的说明,不符合专利法第二十六条第三款的规定。

权利要求4要求保护一种以酶为有效成份的难分解性蛋白质分解剂,其中,所述的酶具有SEQ ID NO.2所示氨基酸序列,或含有在SEQ ID NO.2所示氨基酸序列中1个或多个氨基酸缺失、取代或添加的氨基酸序列且具有难分解性蛋白质分解活性的修饰酶,或含有与SEQ ID NO.2所示氨基酸序列具有85%或以上的同源性氨基酸序列,且具有难分解性蛋白质分解活性的同源酶。但根据本申请说明书的记载,纯化酶的制备具

体包括: 离心获得菌株培养上清,将该上滑用pellicon XL(截流5000)浓缩至约20倍,制成含1 mol/L的硫酸镁以及0.05 mol/L的Tris-盐酸(pH 8.5)溶液。将其过苯基琼脂糖凝胶柱(Phenyl Sepharose FF; Sub, 26×300mm),在含1 mol/L—0 mol/L的线性浓度梯度硫酸铵的0.05 mol/L Tris-盐酸(pH 8.5)中洗脱,回收用0mol/L硫酸铵浓度洗脱的组分。该组分用pellicon XL(截留5000)、再用Ultrafree-15(截留5000)浓缩,过Superdex(Superdex 75 Pg; 16×600mm)柱,用含0.1mol/L氯化钠的0.05 mol/L磷酸铵液度的缓冲液(pH 7.0)洗脱,回收分子量约为31kDa的组分。该组分进行SDS-PAGE,结果单一含有分子量约为31kDa的蛋白质(本申请说明书正文第20页第3-14行)。

由于细菌培养基上清中含有众多蛋白质,以5kDa截留浓缩仍会保留绝大多数蛋白,并且疏水层析步骤也只能根据蛋白的疏水性进行粗步的分离,而凝胶过滤色谱收集31kDa的组分时也由于是根据蛋白峰进行分离的,并不能保证该蛋白峰内没有分子量在31kDa左右的其它蛋白存在。虽然本申请在过Superdex柱洗脱回收分子量约为31kDa的组分后,进行了SDS-PAGE电泳,结果单一含有分子量约为31kDa的蛋白质,但仅仅通过凝胶电泳的条带来判断蛋白质样品是否为单一的蛋白酶是不具有说服力的。因此,本领域技术人员在按照说明书所述的步骤操作时,即使能够获得包括本申请所述蛋白酶在内的组分,也可能包括性质相近的其它蛋白质,而本申请说明书中也没有记载有力的实验验证其所纯化得到的蛋白酶确实为单一的蛋白酶。因此,本领域技术人员有理由认为按照说明书所述的操作步骤无法获得本申请所述的纯化蛋白酶,而只能获得蛋白组分混合物,其中可能包含具有分解难分解蛋白质活性的酶,但根据本申请说明书的记载无法确定该蛋白酶,也无法确定所纯化得到的蛋白组分混合物中其它组分的结构。

由于本申请说明书中没有记载具体的实验验证其所纯化得到的蛋白酶确实为单一的蛋白酶,而对蛋白酶N端11个氨基酸进行测序得到的也可能是多个不同的蛋白质序列的共同部分(本申请说明书第23页第21-24行、第24页第20-21行也记载了:测得的N端序列AQTVPYGIPLI与地衣芽孢杆菌PWD-1的角蛋白酶、地衣芽孢杆菌的枯草菌溶素序列相同,与枯草杆菌蛋白酶DY完全一致)。因此,由于序列SEQ ID NO 2仅仅是根据分离出的酶的N端11个氨基酸序列而得到的,因而不能证实SEQ ID NO 2就是编码本申请所述的具有分解难分解蛋白质活性的酶组分的基因。

不仅如此,由于说明书中仅记载了SEQ ID NO. 2序列,并没有记载具体的功能实

验证明SEQ ID NO. 2所编码的是具有分解难分解蛋白质功能的酶,审查指南第二部分第十章9. 2. 2. 1明确规定涉及基因的发明,应在说明书中提供证据证明基因具有特定的功能,对于结构基因,应当证明所述基因编码的多肽或蛋白质具有特定的功能。仅仅基于基因的序列信息不能确定基因真正的功能,而本申请说明书中并没有记载确凿的实验证据证实SEQ ID NO. 2确实可以编码具有分解难分解蛋白质功能的酶。基于上述理由,本申请说明书未对权利要求4所述的技术方案做出清楚、完整的说明,致使所属技术领域普通技术人员不能实现该技术方案,不符合专利法第二十六条第三款的规定。

三、权利要求9-12不具备专利法第二十二条第三款规定的创造性。

本申请要求申请日为2002年10月24日的JP特愿2002-309248作为本申请的优选权。JP特愿2002-309248记载了一种难分解性蛋白质分解剂,作为其有效成分的酶具有分子量为26,000的特征,而本申请涉及的酶分子量为31,000。可见,JP特愿2002-309248与本申请的主题不相同,因此,本申请权利要求1-12不符合专利法第二十九条的规定,优先权不成立。

1、权利要求9-11不具备专利法第二十二条第三款规定的创造性。

权利要求9要求保护一种使病原性朊病毒蛋白解毒的方法。对比文件2 (US6613505B2)公开了一种使组织中的朊病毒蛋白解毒的方法,包括下述步骤:(a)、使该组织中的病原性朊病毒可以直接暴露于酶处理条件下,(b)、在35-100℃温度下将该组织与地衣芽孢杆菌PWD-1角蛋白酶接触足够长的时间以降解朊蛋白,(c)验证该组织中的病原性朊病毒已被降解(参见对比文件2权利要求2)。由于本申请记载的蛋白酶也是从地衣芽孢杆菌(Bacillu lichniformis)中分离出来的,同样也具有角蛋白酶活性,因此,在权利要求1-3、5、8不具备新颖性的基础上,本领域技术人员容易想到可以将权利要求1-3、5所述的酶或者权利要求8所述的病原性朊病毒蛋白解毒剂结合对比文件2公开的使病原性朊病毒蛋白解毒的方法得到权利要求9的技术方案,权利要求9不具有突出的实质性特点和显著的进步,不具备专利法第二十二条第三款规定的创造性。

与权利要求9的评述理由相同,权利要求10、11也不具有突出的实质性特点和显著的进步,不具备专利法第二十二条第三款规定的创造性。

2、权利要求12要求保护权利要求1-5中任一项的酶在制备病原性朊病毒蛋白解毒剂中的用途。由于对比文件2公开了利用地衣芽孢杆菌PWD-1角蛋白酶使病原性朊病毒蛋白解毒的方法(对比文件2权利要求2),本领域技术人员在权利要求1-3、5不具备新颖性的基础上,结合对比文件2、容易想到将权利要求1-3、5所述的酶用于制备病原性朊病毒蛋白解毒剂,因此,权利要求12不具有突出的实质性特点和显著的进步,不具备专利法第二十二条第三款规定的创造性。

基于上述理由,本申请权利要求存在不具备新颖性或创造性的缺陷,说明书未对权利要求4所述的技术方案做出清楚、完整的说明,也没有记载其他任何可以授予专利权的实质性内容,因而即使申请人对权利要求进行重新组合或根据说明书记载的内容作进一步的限定,本申请也不具备被授予专利权的前景。如果申请人在本通知书指定的答复期限内不能提出本申请具备新颖性、创造性的充分理由,本申请将被驳回。

审查员: 王璟

代码: 9688

CPCH0561107P

Patent Office of the People's Republic of China

Address: Receiving Section of the Chinese Patent Office, No. 6 Tucheng Road West, Haidian District, Beijing. Postal code: 100088

Applicant	nt MEIJI SEIKA KAISHA, LTD.		Date of Issue
Agent	China Patent Agent (H.K.) Ltd.		April 13, 2007
Patent Application No.	200380107577. Application October 24, Date 2003	Exam Dept.	
Title of ME Invention	THOD OF DEGRADING HARDLY DEGRAD	ABLE PROT	EIN

First Office Action

(PCT application entering into the national phase)

 Under the provision of Art. 35, para. 1 of the Patent Law, the examiner has made an examination as to substance of the captioned patent application for invention upon the request for substantive examination filed by the applicant on Under the provision of Art. 35, para. 2 of the Patent Law, the Chinese Patent Office has decided to conduct an examination of the captioned patent application for invention on its own initiative. The applicant requests that the filing date oct. 24, 2002 at the Patent Office be taken as the priority date of the present application, the filing date at the Patent Office be taken as the priority date of the present application, the filing date at the Patent Office be taken as the priority date of the present application. The following amended documents submitted by the applicant cannot be accepted for failure to conform with Art. 33 of the Patent Law: The Chinese version of the annex to the international preliminary examination report. The Chinese version of the amended documents submitted according to the provision of Art. 19 of the Patent Cooperation Treaty. The amended documents submitted according to the provision of Art. 28 or Art. 41 of the Patent Cooperation Treaty. 	
has decided to conduct an examination of the captioned patent application for invention on its own initiative. 2. If the applicant requests that the filing dateOct. 24, 2002 _ at theP atent Office be taken as the priority date of the present application, the filing date at thePatent Office be taken as the priority date of the present application, the filing date at the Patent Office be taken as the priority date of the present application. 3. If the following amended documents submitted by the applicant cannot be accepted for failure to conform with Art. 33 of the Patent Law: If the Chinese version of the annex to the international preliminary examination report. If the Chinese version of the amended documents submitted according to the provision of Art. 19 of the Patent Cooperation Treaty. If the amended documents submitted according to the provision of Art. 28 or Art. 41	examination as to substance of the captioned patent application for invention
the filing date Oct. 24, 2002 at the JP Patent Office be taken as the priority date of the present application, the filing date at the Patent Office be taken as the priority date of the present application, the filing date at the Patent Office be taken as the priority date of the present application. 3. □ The following amended documents submitted by the applicant cannot be accepted for failure to conform with Art. 33 of the Patent Law: □ the Chinese version of the annex to the international preliminary examination report. □ the Chinese version of the amended documents submitted according to the provision of Art. 19 of the Patent Cooperation Treaty. □ the amended documents submitted according to the provision of Art. 28 or Art. 41	has decided to conduct an examination of the captioned patent application for
the filing date Oct. 24, 2002 at the JP Patent Office be taken as the priority date of the present application, the filing date at the Patent Office be taken as the priority date of the present application, the filing date at the Patent Office be taken as the priority date of the present application. 3. □ The following amended documents submitted by the applicant cannot be accepted for failure to conform with Art. 33 of the Patent Law: □ the Chinese version of the annex to the international preliminary examination report. □ the Chinese version of the amended documents submitted according to the provision of Art. 19 of the Patent Cooperation Treaty. □ the amended documents submitted according to the provision of Art. 28 or Art. 41	2. 🗹 The applicant requests that
 accepted for failure to conform with Art. 33 of the Patent Law: the Chinese version of the annex to the international preliminary examination report. the Chinese version of the amended documents submitted according to the provision of Art. 19 of the Patent Cooperation Treaty. the amended documents submitted according to the provision of Art. 28 or Art. 41 	the filing date <u>Oct. 24, 2002</u> at the <u>JP</u> Patent Office be taken as the priority date of the present application, the filing date <u></u> at the <u></u> Patent Office be taken as the priority date of the present application, the filing date <u></u> at the <u></u> Patent Office be taken as the priority date of
·	 accepted for failure to conform with Art. 33 of the Patent Law: the Chinese version of the annex to the international preliminary examination report. the Chinese version of the amended documents submitted according to the provision of Art. 19 of the Patent Cooperation Treaty. the amended documents submitted according to the provision of Art. 28 or Art. 41

☐ the amended documents submitted according to the provision of Rule 51 of the Implementing Regulations of the Patent Law. See the text portion of this Office Action for detailed reasons why the amendment cannot be accepted. 4.

Examination is conducted on the Chinese version of the initially-submitted international application. □ Examination is conducted on the following document(s): □ page _____ of the description, based on the Chinese version of the initially-submitted international application documents; page _____ of the description, based on the Chinese version of the annex to the international preliminary examination report; page _____ of the description, based on the amended documents submitted according to the provision of Art. 28 or Art. 41 of the Patent Cooperation Treaty; page _____ of the description, based on the amended documents submitted according to the provision of Rule 51 of the Implementing Regulations of the Patent Law. □ claim(s) _____, based on the Chinese version of the initially-submitted international application documents; claim(s) _____, based on the Chinese version of the amended documents submitted according to the provision of Art. 19 of the Patent Cooperation Treaty; claim(s) _____, based on the Chinese version of the annex to the international preliminary examination report; claim(s) _____, based on the amended documents submitted according to the provision of Art. 28 or Art. 41 of the Patent Cooperation Treaty; claim(s) _____, based on the amended documents submitted according to the provision of Rule 51 of the Implementing Regulations of the Patent Law. ☐ Fig(s) _____, based on the Chinese version of the initially-submitted international application documents; Fig(s) _____, based on the Chinese version of the annex to the international preliminary examination report; Fig(s) _____, based on the amended documents submitted according to the provision of Art. 28 or Art. 41 of the Patent Cooperation Treaty; Fig(s) _____, based on the amended documents submitted according to the provision of Rule 51 of the Implementing Regulations of the Patent Law.

5. The following reference document(s) is/are cited in this Office Action (its/their serial

9016

number(s) will continue to be used in the subsequent course of examination):

Seria No.	Number or Title(s) of Document(s)	Date of Publication (or filing date of interfering application)
1	CN 1201489A	Date Dec. 9, 1998
2	US 6613505B2	Date Sep. 2, 2003
3		Date
4		

6. Concluding comments on the examination:

$oldsymbol{oldsymbol{arDelta}}$ On the description:
☐ What is stated in the application comes within the scope of that no patent right
shall be granted as prescribed in Art. 5 of the Patent Law.
12 The description is not in conformity with the provision of Art. 26, para. 3 of the
Patent Law.
☐ The description is not in conformity with the provision of Art. 33 of the Patent Law.
☐ The drafting of description is not in conformity with the provision of Rule 18 of the
Implementing Regulations.
☑ On the claims:
\square Claim(s) 1-12 come(s) within the scope of that no patent right shall be
granted as prescribed in Art. 29 of the Patent Law.
☑ Claim(s) 1-3, 5-8 has/have no novelty as prescribed in Art. 22, para. 2 of the
Patent Law.
\square Claim(s) $9-12$ has/have no inventiveness as prescribed in Art. 22, para. 3 of
the Patent Law.
□ Claim(s) has/have no practical applicability as prescribed in Art. 22, para.
4 of the Patent Law.
□ Claim(s) is/are not in conformity with the provision of Art. 26, para. 4 of the
Patent Law.
□ Claim(s) is/are not in conformity with the provision of Art. 31, para. 1 of the
Patent Law.
\square Claim(s) is/are not in conformity with the provisions of Rule 20 of the
Implementing Regulations.
□ Claim(s) is/are not in conformity with the provision of Art. 9 of the Patent
Law.
□ Claim(s) is/are not in conformity with the provision of Rule 23 of the
Implementing Regulations.

See the text portion of this Office Action for detailed analysis of the above concluding comments.

7.	Based on the above concluding comments, the examiner deems that
	\square the applicant should make amendment to the application document(s) according
	to the requirements put forward in the text portion of this Office Action.
	□ the applicant should expound in his/its observations why the captioned patent
	application is patentable and make amendment to what is not in conformity with
	the provisions pointed out in the text portion of this Office Action, otherwise, no
	patent right shall be granted.
	If the patent application contains no substantive content(s) for which a patent right may be granted, if the applicant has no sufficient reason(s) to state or his/its stated
	reason(s) is/are not sufficient, said application will be rejected.
8.	The applicant should note the following items:
	(1) Under Art. 37 of the Patent Law, the applicant should submit his/its observations
	within <u>four</u> months from the date of receipt of this Office Action; if, without any justified reason(s), the time limit for making written response is not met, said
	application shall be deemed to have been withdrawn.
	(2) The amendment made by the applicant to said application should be in
	conformity with the provision of Art. 33 of the Patent Law, the amended text should
	be in duplicate and its form should conform with the related provisions of the
	Guide to Examination.
	(3) If no arrangement is made in advance, the applicant and/or the agent shall no
	come to the Chinese Patent Office to have an interview with the examiner.
	(4) The observations and/or amended text should be sent to the Receiving Section of the Chinese Patent Office by mail or by personal delivery, if not sent to the
	Receiving Section by mail or by personal delivery, the document(s) will have no
	legal effect.
_	
9.	This Office Action consists of the text portion totalling page(s) and of the
	following attachment(s): \square 2 copy(copies) of the reference document(s) totalling 13 page(s).

Examination D	ept. No.	Exan	niner
Examination D	ори 110.		